

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #09-54**

**Stafford Township, Ocean County**

WHEREAS, Stafford Township, Ocean County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 31, 2008; and

WHEREAS, Stafford Township published notice of its petition in *The Press of Atlantic City* on March 31, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, comments on the plan from the Fair Share Housing Center were received by COAH on May 11, 2009, during the 45-day objection period and were addressed in COAH's November 18, 2009 Compliance Report (attached as Exhibit A and incorporated by reference herein) and Stafford Township's November 30, 2009 Addendum to the Compliance Report (attached as Exhibit B and incorporated by reference herein); and

WHEREAS, after a review of the Township's Housing Element and Fair Share Plan, COAH issued a Report Requesting Additional Information (RRAI) on September 18, 2009 (which RRAI is incorporated by reference); and

WHEREAS, the Township addressed COAH's request for additional information in its response to the RRAI, received by COAH on November 18, 2009; and

WHEREAS, Stafford Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 1,098 units, consisting of a 24-unit rehabilitation share, a 555-unit prior round obligation and a 519-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, Stafford Township proposes to address its 24-unit rehabilitation share with three rehabilitation credits and will address the remaining 21 units through participation in Ocean County's Rehabilitation Program; and

WHEREAS, Stafford will address its prior round obligation with 243 credits without controls, 72 credits and 12 bonuses from a 100% affordable project, known as Presbyterian Homes, 11 credits from an inclusionary zoning project known as Perry's Lake, 75 units for a 100% affordable project, known as Pinecrest Mobile Home Park, 74 units and 30 bonuses for an inclusionary zoning project, known as Southern Ocean County Hospital (SOCH) Health Village and 19 units and 19 bonuses for a redevelopment project at the Stafford Business Park; and

WHEREAS, the Township will address its growth share obligation with 12 credits from a 100% affordable project, known as Presbyterian Homes, 35 credits from an inclusionary zoning project known as Perry's Lake, 72 credits from a 100% affordable project, known as Cedar Run, three bedrooms and one bonus from a supportive and special needs facility, known as the Community Options – Admiral, five credits from an assisted living facility, known as Summerville at Stafford, 93 units and 93 bonuses for a redevelopment project at the Stafford Business Park, three bedrooms and one bonuses for a supportive and special needs facility, known as the Community Options – Starboard, 13 units and 13 bonuses for an inclusionary zoning project, known as Stafford Mews, 111 units for a municipally-sponsored project at Ocean Acres and 64 units for an inclusionary zone in the Mixed Use District; and

WHEREAS, Stafford Township is partially located in the jurisdiction of the Pinelands Commission and partially located in within the jurisdiction of the New Jersey Department of Environmental Protection under the Coastal Area Facility Review Act; and

WHEREAS, all development in Stafford is subject to the review of the Pinelands Commission and New Jersey Department of Environmental Protection; and

WHEREAS, Stafford entered into a Memorandum of Agreement with the Pinelands Commission and Ocean County; which has allowed the Township to proceed with its plans to redevelop the Stafford Business Park; and

WHEREAS, Stafford has drafted and will adopt a zoning amendment within 45 days of substantive certification that will require a 20% set-aside in the Mixed Use District; and

WHEREAS; Stafford is subsidizing the construction of affordable units at Pinecrest Mobile Home Park as part of a payment in lieu of construction agreement with the developer of the Landings at Manahawkin; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Stafford has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information pursuant to N.J.A.C. 5:97-6.4 for the SOCH Health Village; and

WHEREAS, the Township has provided the necessary documentation requested in COAH's RRAI for the municipally-sponsored Ocean Acres development, which includes a draft Request for Proposals, financial documentation and a schedule for construction, which provides for the construction of 12 units per year; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on November 18, 2009 COAH issued a Compliance Report recommending approval of Stafford Township's petition for third round substantive certification; and

WHEREAS, the 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) ended on December 14, 2009 and COAH did not receive comments.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Stafford Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Stafford Township; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Stafford Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED that identification of the sites for the Ocean Acres Program must begin immediately and Stafford must issue the RFP within 45 days of substantive certification; and

BE IT FURTHER RESOLVED if the Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Stafford shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Stafford shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Stafford's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to

determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Stafford and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Stafford shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Stafford's substantive certification shall remain in effect until December 31, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Stafford Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on December 9, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive style with a large, looping initial "R".

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
November 20, 2009***



**Municipality:** *Stafford Township*  
**County:** *Ocean County*

**COAH Region:** *4*  
**Planning Area:** *2, 4, & 5*  
**Special Resource Area:** *Pinelands, CAFRA*

**Housing Element and Fair Share Plan Adopted:** *December 16, 2008*  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** *December 31, 2008*  
**Completeness Determination:** *February 14, 2009*  
**Date of Publication:** *March 31, 2009*

**Objections Received:** *No*

**Comments Received:** *Fair Share Housing Center*

**Petition Includes:**

**VLA:** *No*  
**GPA:** *No*  
**Waiver:** *No*                      **Section:** *N/A*

**Date of Site Visit:** *Pending*

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>			<i>x</i>
<b>Second Round:</b>			<i>x</i>
<b>Extended Certification:</b>			<i>x</i>

**Plan Preparer:** *David Roberts, Principal, CMX Engineering*

**Municipal Housing Liaison:** *Bonnie Flynn, Community Development  
Director*

***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	24
Prior Round Obligation	555
Projected Growth Share Obligation	519

***ACTUAL GROWTH and GROWTH SHARE through September, 2008<sup>1</sup>***

<b>Res Units (#)</b>	<b>Actual Res Growth Share</b>	<b>Jobs (#)</b>	<b>Actual Non-Res Growth Share</b>	<b>Actual TOTAL Growth Share</b>
1,009	202 units	1,334	83 units	285 units

***COMPLIANCE PLAN SUMMARY***

<b>Obligation</b>	<b>Credit/ Mechanism Type</b>	<b># Units Completed</b>	<b># Units Proposed</b>	<b>TOTAL</b>
<b>Rehabilitation: 24 units</b>				
<b>Credits</b>	Post-April 1, 2000	3		3
<b>Program(s)</b>	County CDBG Program		21	21
<b>Rehabilitation Subtotal</b>				<b>24</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 555 units</b>				
<b>Credits</b>	Prior Cycle	243		243
	Post-1986	83		83
<b>Proposed Mechanism(s)</b>	Inclusionary Zoning		149	149
	Redevelopment		19	19
<b>Prior Round Bonus(es)</b>	Rental	61		61
<b>Prior Round Subtotal</b>				<b>555</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

<b>Growth Share: 519 units</b>				
<b>Credits</b>	Post-1986	127		127
<b>Proposed Mechanism(s)</b>	Redevelopment		93	93
	Inclusionary		77	77
	Supportive/ Special Needs		3	3
	Municipally Sponsored		111	111
<b>Growth Share Bonus(es)</b>	Rental	15		15
	Compliance	93		93
<b>Growth Share Subtotal</b>				<b>519</b>
<b>Shortfall</b>				<b>0</b>

## I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Stafford's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of

low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Stafford has a rehabilitation share of 24 units.

**B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Stafford has a prior round obligation of 555.

**C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Stafford has a residential projection of 1,669 units and a non-residential projection of 3,133 jobs, which results in an initial projected growth share obligation of 519 affordable units.

**SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	24
Prior Round Obligation	555
Projected Growth Share Obligation	519

**II. FAIR SHARE PLAN**

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Stafford's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

**A. Plan to Address Rehabilitation Share**

**Rehabilitation Share Credits**

Stafford is requesting credit for three units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

<b>Rehabilitation Credits</b>	
<b>Rehabilitation Program</b>	<b># Credits</b>
Ocean County Housing Program	3
<b>TOTAL</b>	<b>3</b>

**Proposed Rehabilitation Program**

***County Rehabilitation Program***

Stafford will utilize the Ocean County Community Development Block Grant (CDBG) Housing Rehabilitation Program to address 21 units of its rehabilitation obligation. Stafford Township has provided documentation confirming its continuing participation in Ocean County's CDBG Program, which includes owner-occupied and rental units, through 2010 (participation is confirmed every three years). As part of the County's Rehabilitation Program, the Township is eligible to apply for CDBG rehabilitation funds and the Ocean County HOME Program. In the event that Stafford does not participate in the program in the future, the Township is committed to establishing its own program and has set aside \$210,000 for rehabilitation in its draft spending plan. The Township has adopted a Resolution of Intent to Bond on December 16, 2008 in the event of a funding shortfall. **[21 rehabilitation units]**

<b>Proposed Rehabilitation Program</b>	
<b>Rehabilitation Program</b>	<b># Units</b>
Ocean County Housing Program	21
<b>TOTAL</b>	<b>21</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Obligation Credits**

Stafford is addressing a portion of the prior round obligation with 243 prior cycle credits and 83 post-1986 credits. In a letter dated October 17, 2003, COAH acknowledged that the Township was entitled to 243 credits without controls. This determination is still valid; therefore, Stafford is requesting 243 credits for units constructed between April 1, 1980 and December 15, 1986. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Prior Cycle Credits**

<b>Project/Development Name</b>	<b>Year Built</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>
Credits without Controls			243
<b>TOTALS</b>			<b>243</b>

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Perry's Lake	2004	Inclusionary	11			11
Presbyterian Homes	2005	100% Affordable	72	Senior Rental	12	84
<b>TOTALS</b>			<b>83</b>		<b>12</b>	<b>95</b>

**Proposed Affordable Housing Mechanisms**

Stafford proposes to address the remaining 217-unit prior round obligation through the following mechanisms:

***Pine Crest Mobile Home Park***

Stafford will utilize the Pine Crest Mobile Home Park to address 75 units of its prior round obligation. The property (Block 123, Lot 17) is 14.08 acres and is located on McKinley Road, southwest of the intersection between the Garden State Parkway and State Route 72. On June 15, 2004, the zoning was changed from Limited Business (LM) to Mobile Home Park – Affordable Housing (MHP-AH) to accommodate this project. Pine Crest consists of 75 affordable units (38 low and 37 moderate) and 32 market-rate

units. Construction is currently under way and 45 units have been built and are occupied. Stafford has agreed to subsidize the developer the cost of the 75 affordable units (\$29,866 per unit). These funds, a total of \$2,240,000, are part of a payment in lieu of construction agreement between the Township and the developer of the market-rate development known as the Landings.

Pinecrest Mobile Home Park is located in Planning Area 2 and is within an endorsed Regional Center. All units will have 30-year affordability controls and will be in compliance with N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. Both public sewer and water services are available and have adequate capacity to accommodate this project. Pursuant to N.J.A.C. 5:97-3.13, this project has met COAH's site suitability standards. **[75 affordable units]**

#### ***Southern Ocean County Hospital Health Village***

Stafford will rely on 74 units and 30 bonuses from the Southern Ocean County Hospital (SOCH) Health Village to address 104 units of its prior round obligation. This property is approximately 80 acres and consists of several block and lots located on the south side of State Route 72. The site is within the Highway Medical Commercial (HMC) zone, which permits planned unit developments that include affordable non-age-restricted units. Additionally, the project is within the Pinelands Regional Growth Area, therefore the development is subject to review by the Pinelands Commission.

A General Development Plan, submitted by SOCH, was approved by the Township Planning Board on January 16, 2008. In addition to expanding the Hospital Campus, the Plan proposes the construction of new retail and office space, 239 market rate units and 74 affordable units (44 for-sale and 30 rentals). The total number of affordable units will be split 37 low- and 37 moderate-income units. SOCH has control of the site and the developer is Nexus Properties. The project schedule estimates construction to begin in the summer of 2012 and as such supporting documentation is required to be submitted to COAH in 2010, two years before construction begins.

The undeveloped portion of the property is currently forested and does not contain wetlands, Category One streams, steep slopes or floodplains. This site is not listed on the

State or National Register of Historic Places. Both public sewer and water services are available and have adequate capacity to accommodate this project. The site meets COAH's site suitability requirements pursuant to N.J.A.C. 5:97-3.13. **[74 inclusionary units and 30 bonuses]**

### ***Stafford Business Park***

Stafford will rely on 19 units and 19 bonuses from the Stafford Business Park redevelopment area to address the remaining 38 units of its prior round obligation. The redevelopment area is 363 acres and is comprised of the former Stafford Landfill (55 acres) and Business Park. The remaining undisturbed portion of the site is forested according to the New Jersey Department of Environmental Protection (NJDEP) 2007 aerial photography. The redevelopment area consists of several lots, located off Recovery Road, southwest of the interchange between the Garden State Parkway and State Route 72. The proposed development consists of retail and office space, 565 age-restricted market-rate units and 112 affordable family rental units, of which 19 will be applied toward the prior round obligation.

The redevelopment area is within Planning Area 2 and an endorsed Regional Center. Both public sewer and water services are available and have adequate capacity to accommodate this project. All affordable units will be constructed in the AH-20 Zone. The site is also in a redevelopment area that was approved by the Planning Board and adopted by resolution by the governing body on October 4, 2005. The Redevelopment Plan was adopted on November 15, 2005. A redevelopment agreement was entered between the Township and Walters Homes, Inc., on September 5, 2006. The Planning Board granted final major site plan approval for the affordable housing component on July 16, 2008.

The project is within the Pinelands Regional Growth Area; therefore the development is subject to review by the Pinelands Commission. In July 2006, Stafford entered into a Memorandum of Agreement (MOA) with the Pinelands Commission and Ocean County that enabled the Township to proceed with its plan to redevelop the area. As part of the MOA, the developer must close the 55-acre landfill, which ceased accepting solid waste in 1983, at its own expense in exchange for the right to redevelop

the property. An impermeable cap had to be installed at the landfill before any redevelopment could occur. Additionally, a smaller 25-acre landfill needed to be remediated and the current tenants of the Business Park had to be relocated. To date, all work associated with the landfill closure is complete and final inspections by the NJDEP have been conducted. Stafford is awaiting the issuance of a No Further Action letter from NJDEP.

Building permits have been issued and construction is underway with certificates of occupancy to be issued this fall. Once remediation of this site is finalized, COAH's site suitability requirements pursuant to N.J.A.C. 5:97-3.13 will be met. **[19 family rental units and 19 rental bonuses]**

**Proposed Prior Round Affordable Housing Mechanisms**

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Pinecrest Mobile Home Park	100% Affordable	75			75
SOCH Health Village	Inclusionary	74	Rental	30	104
Stafford Business Park	Redevelopment	19	Rental	19	38
	<b>TOTALS</b>	<b>168</b>		<b>49</b>	<b>217</b>

**Prior Round Obligation Parameters**

Stafford has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>2</sup> 78 Units**

Development/Project Name	Type of Affordable Unit	# Units
Presbyterian Homes	100% Affordable	72
SOCH Health Village	Inclusionary	30
Stafford Business Park	Redevelopment	19
<b>TOTAL</b>		<b>121</b>

<sup>2</sup> Rental Obligation: (.25 (prior round obligation – prior cycle credits – 20% cap – impact of the 1,000 unit cap) or .25 (555 – 243 – 0 – 0) = 78 units) per N.J.A.C. 5:97-3.10(b)1

**Prior Round Age-Restricted Maximum<sup>3</sup> : 83 Units**

Development/Project Name	Type of Affordable Unit	# Units
Presbyterian Homes	100% Affordable	72
Perry's Lake	Inclusionary	11
<b>TOTAL</b>		<b>83</b>

**Prior Round Rental Bonus Maximum<sup>4</sup> : 78 Units**

Development/Project Name	Type of Bonus	# Bonuses
Presbyterian Homes	Age-Restricted Rental	12
SOCH Health Village	Rental	30
Stafford Business Park	Rental	19
<b>TOTAL</b>		<b>61</b>

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

In its Housing Element and Fair Share Plan, Stafford proposed to address 519 units of the projected growth share obligation with 127 units of credit and 15 corresponding rental bonuses. However, pursuant to N.J.A.C. 5:97-3.6(a), Stafford is not eligible for 12 bonuses for Presbyterian Homes (an age-restricted project) and is only eligible for 0.75 (or one) bonus instead of three bonuses requested for the Community Options – Admiral Project (a three-bedroom supportive and special needs facility). In response to COAH's Report Requesting Additional Information, dated September 18, 2009, Stafford indicated that this 14-unit shortfall will be addressed through the Ocean Acres Scattered Site Program. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

<sup>3</sup> Age-Restricted Maximum:  $.25(\text{prior round obligation} + \text{rehabilitation share} - \text{prior cycle credits} - \text{rehabilitation credits} - \text{transferred RCAs})$  or  $.25(555 + 24 - 243 - 3 - 0) = 83$  units per N.J.A.C. 5:97-3.10(c)1

<sup>4</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Presbyterian Homes	2005	100% Affordable	12	Rental	0	12
Perry's Lake	2004	Inclusionary	35			35
Cedar Run	1989	100% Affordable	72			72
Community Options – Admiral	1997	Supportive and Special Needs	3	Rental	1	4
Summerville at Stafford	2007	Assisted Living	5			5
<b>TOTALS</b>			<b>127</b>		<b>1</b>	<b>128</b>

**Proposed Affordable Housing Mechanisms**

Stafford proposes to address the remaining 377-unit growth share obligation through the following mechanisms:

***Stafford Business Park***

Stafford proposes to utilize 93 units and 93 rental bonuses from the Stafford Business Park (described in detail in the prior round obligation) to address 186 units of its projected growth share obligation. However, the Township is relying on a portion of the units in this project to address its minimum rental (27 units) and family rental obligations (52 units). Pursuant to N.J.A.C. 5:97-3.6(a), a municipality can only receive bonuses for units in excess of its obligation. Therefore, the Township is not eligible for 93 rental bonuses for the Stafford Business Park; however, Stafford may receive 93 compliance bonuses for this project since it meets all criteria set forth in N.J.A.C. 5:97-3.17. **[93 family rentals and 93 compliance bonuses]**

***Community Options - Starboard***

Stafford proposes to utilize three bedrooms and three bonuses from the Community Options, Inc. facility located on 1000 Starboard Avenue to address six units of its projected growth share obligation. However, pursuant to N.J.A.C. 5:97-3.6(a)2, supportive and special needs bedrooms shall receive 1.25 credits; therefore, this project is eligible for only a 0.75 bonus. In response to COAH's Report Requesting Additional

Information, dated September 18, 2009, Stafford indicated that it will address this two-unit shortfall with the Ocean Acres Scattered Site Program. Community Options, Inc. purchased an existing dwelling with plans to convert it into a three-bedroom group home. The one-quarter-acre property (Block 44.07, Lot 7) is located in a residential neighborhood located within the R-90 zone, northwest of the interchange between the Garden State Parkway and State Route 72. Public sewer and water are available for this group home. The site meets site suitability requirements pursuant to N.J.A.C. 5:97-3.13.

The facility will be administered in accordance with UHAC and COAH regulations, which include 30-year controls. According to the Spending Plan, the Township has committed \$30,000 from its Affordable Housing Trust Fund to help defray costs. The Township adopted a Resolution of Intent to Bond on December 16, 2008 in the event of a funding shortfall. Renovations began at the end of 2008 and were completed in April 2009 and the residents have moved into the facility. **[3 supportive and special needs bedrooms and 0.75 or 1 bonus]**

#### *Stafford Mews/Scarborough*

Stafford will utilize Stafford Mews (formerly known as Scarborough) to address 13 units of its projected growth share obligation. A total of 85 apartment units within five separate buildings are proposed. The Township has been in discussions with the developer to increase the affordable housing set-aside from the current requirement of 15% to 20%, which would increase the number of affordable units from 13 to 17. Negotiations have included Stafford subsidizing the additional four units at an estimate of \$50,000 per unit. However, an agreement between the Township and developer has not been reached; therefore, only 13 units and 13 bonuses are eligible for credit. In response to COAH's Report Requesting Additional Information, dated September 18, 2009, Stafford indicated that it will address this eight-unit shortfall with the Ocean Acres Scattered Site Program.

This project was granted final major site plan approval from the Township Planning Board on November 5, 2008. The nine-acre site (Block 77.02 Lot 1) is located on Doc Cramer Boulevard, which is southeast of the intersection between the Garden State Parkway and state Route 72. On June 5, 2004, this lot was zoned for multi-family

affordable housing with a density of 10 units per acre. The site is located in the endorsed Regional Center and public sewer and water capacity is available. The project meets site suitability requirements pursuant to N.J.A.C. 5:97-3.13. **[13 family rental units and 13 bonuses]**

### ***Ocean Acres***

Stafford has proposed to utilize a municipally-sponsored scattered site program in the Ocean Acres development to address 87 units of its projected growth share obligation. However, Stafford is committing to accommodate its 24-unit shortfall with this program, raising the total to 111 units. Ocean Acres is a large (almost 2,000 acres), existing residential neighborhood located north of State Route 72 and west of the Garden State Parkway. This area is within the Pinelands Regional Growth Area. The lots are already subdivided and only building permits are needed. According to the Township's Fair Share Plan there are approximately 300 vacant developable lots, based on 2008 tax records, which is more than enough to satisfy the 111-unit obligation. Ocean Acres is within the Ocean County Utility Authority's Southern Water Pollution Control Facility Sewer Service Area. Most of the development is served by public water; however, some areas have not yet been connected and use private wells. All parcels are located on uplands and do not contain any environmental constraints. The project meets site suitability requirements pursuant to N.J.A.C. 5:97-3.13.

Stafford's affordable housing trust fund was approximately \$3.2 million as of December 31, 2008 and the Township anticipates almost \$8.5 million dollars of projected revenue in its spending plan. The Township has adopted a Resolution of Intent to Bond on December 16, 2008 and, in the event of a funding shortfall, the Township intends to bond up to eight million dollars (one million dollars per year) with implementation to commence in 2010 and continue through 2018. According to the Fair Share Plan, the Township will develop a guidance manual and initiate a program and market it to all owners of vacant lots as well as prospective non-profits. The Township has recently had discussions with possible partners, such as Habitat for Humanity and Homes Today. The Township plans to purchase the lots and donate them to a non-profit with the understanding that the units will comply with COAH and UHAC regulations.

In its Report Requesting Additional Information (RRAI), dated September 18, 2009, COAH stated that, “Stafford must submit a draft agreement or Request for Proposals (RFP) that includes a detailed schedule that outlines property acquisition, transfer, approvals and construction. Stafford must also provide details on the proposed financial arrangements between the Township and non-profit developer. Finally, the Township must include within the RFP a detailed description of the responsibilities for each party.” In response to the RRAI, the Township provided a draft Request for Proposals (RFP) that outlines the approximate costs and the time it may take to complete a single unit. The Township estimates that approximately 12 units, which may contain two to four bedrooms, would need to be completed each year, beginning in 2010.

The affordable housing developer must submit a proposal to the Township that comports with the construction schedule and responsibilities set forth in the RFP. In addition to donating the vacant lots, which currently range between \$90,000 and \$120,000, Stafford may waive construction permit fees as well as water and sewer fees to offset costs. The developer would have to seek other sources of funding for the construction and commit to selling the units at affordable prices set forth by COAH regulations. Stafford estimates that it would take two to three months to identify, appraise, purchase and transfer the site. It would take an additional six to nine months to construct the site. Identification of the sites must begin immediately and COAH is requiring that the RFP be distributed within 45 days of substantive certification. [111 for-sale family units]

### ***Mixed Use District***

Stafford will rely on an inclusionary zone to address the remaining 64 units of its projected growth share obligation. The proposed zoning change will affect the Mixed Use District, which is located along Bay Avenue and as well as a small area on Hilliard Boulevard at U.S. Route 9. The area is served by public water, provided by the Stafford Township Municipal Utilities Authority and public sewer, which is treated by the Ocean County Utilities Authority. The Mixed Use District serves as the Township’s Business District and is within Planning Area 2 and the endorsed Regional Center. The project meets site suitability requirements pursuant to N.J.A.C. 5:97-3.13.

All townhouse, multi-family or mixed use developments consisting of five or more units will require a 20% set-aside. Accompanying incentives, such as density bonuses, reduction in off-street parking, increase in maximum lot coverage and reduction in common or open space requirements, will be made to the developer to offset costs. According to the Fair Share Plan, there is 28.9 acres of unconstrained vacant developable land (the remaining areas are either developed or consist of mostly wetlands). The Township estimates the District may yield 376 residential units, which would include 64 affordable units. A draft zoning amendment to the Mixed Use Zone was submitted as part of the Fair Share Plan and must be adopted within 45 days of substantive certification. **[64 for sale family units]**

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/ Bedrooms + Bonuses</b>
Stafford Business Park	Redevelopment	93	Compliance	93	186
Community Options – Starboard	Supportive and Special Needs	3	Rental	1	4
Stafford Mews/ Scarborough	Inclusionary	13	Rental	13	26
Ocean Acres	100% Affordable	111			111
Mixed Use District	Inclusionary	64			64
<b>TOTALS</b>		<b>284</b>		<b>107</b>	<b>391</b>

**Growth Share Parameters**

Stafford has satisfied the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>5</sup> 130 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Presbyterian Homes	100% Affordable	12
Cedar Run	100% Affordable	72
Community Options – Admiral	Supportive and Special Needs	3
Community Options – Starboard	Supportive and Special Needs	3
Stafford Business Park	Redevelopment	93
Stafford Mews/ Scarborough	Inclusionary	13
<b>TOTAL</b>		<b>196</b>

**Growth Share Family Rental Requirement<sup>6</sup> : 65 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Stafford Business Park*	Redevelopment	93
Stafford Mews/ Scarborough	Inclusionary	13
<b>TOTAL</b>		<b>106</b>

\*In accordance with N.J.A.C. 5:97-3.6(a)4, 65 of these units are addressing the minimum family rental requirement and are therefore not eligible to receive rental bonuses.

**Growth Share Minimum Family Requirement<sup>7</sup> : 196 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Stafford Business Park	Redevelopment	93
Stafford Mews/ Scarborough	Inclusionary	13
Ocean Acres	Municipally Sponsored	111
Mixed Use District	Inclusionary	64
<b>TOTAL</b>		<b>281</b>

<sup>5</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(519) = 129.75$  or 130 units  
N.J.A.C. 5:97-3.10(b)3

<sup>6</sup> Projected Growth Share Family Rental Requirement:  $.5(\text{Projected Growth Share Rental Requirement})$  or  $.5(130) = 65$  units  
N.J.A.C. 5:97-3.4(b)

<sup>7</sup> Projected Growth Share Family Requirement:  $.5(\text{Units Addressing the Growth Share Obligation})$  or  $.5(391) = 195.5$  or 196 units  
N.J.A.C. 5:97-3.9

**Very Low Income Minimum Requirement<sup>8</sup> : 51 Units**

Development/Project Name	Type of Affordable Unit	# Units
Cedar Run*	Age-Restricted	72
<b>TOTAL</b>		<b>72</b>

\* Although COAH's October 30, 2008 letter regarding the amendments to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. was not intended to require that 50% of the very low income units be provided through family housing, COAH does encourage municipalities to do so.

**Age-Restricted Maximum<sup>9</sup> : 130 Units**

Development/Project Name	Type of Affordable Unit	# Units
Presbyterian Homes	100% Affordable	12
Perry's Lake	Inclusionary	35
Cedar Run	100% Affordable	72
Summerville at Strafford	Assisted Living	5
<b>TOTAL</b>		<b>124</b>

**Bonus Maximum<sup>10</sup> : 130 Bonuses**

Development/Project Name	Type of Bonus	# Bonuses
Community Options – Admiral	Supportive and Special Needs	1
Community Options – Starboard	Supportive and Special Needs	1
Stafford Business Park	Compliance	93
Stafford Mews/ Scarborough	Family Rental	13
<b>TOTAL</b>		<b>108</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of

<sup>8</sup> Growth Share Very Low Income Requirement:  $.13(\text{Projected Growth Share} - \text{Units Built or Approved or Placed into Service on or before July 17, 2008 addressing Growth Share})$  or  $.13(519-127) = 50.96$  or 51 units pursuant to P.L.2008, c.46

<sup>9</sup> Projected Growth Share Age Restricted Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(519) = 129.75$  or 130 units N.J.A.C. 5:97-3.10(c)2

<sup>10</sup> Projected Bonus Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(519) = 129.75$  or 130 units N.J.A.C. 5:97-3.20

N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Stafford issued certificates of occupancy for 1,009 housing units and for the non-residential square footage equivalent of 1,334 jobs, yielding an actual growth share obligation through September 30, 2008, of 285 affordable units.<sup>11</sup>

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**

**Rehabilitation Share: 24 Units**

Program Name	# Units
Ocean County Housing Program	24
<b>TOTAL</b>	<b>24</b>

**PRIOR ROUND SUMMARY**

**Prior Round Obligation: 555 Units**

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
<b>Prior Cycle Credits</b>	Credits w/o Controls	243			243
<b>Post-1986 Credits</b>	Perry's Lake	11			11
	Presbyterian Homes	72	Rental	12	84
<b>Subtotal</b>		<b>326</b>		<b>12</b>	<b>338</b>
<b>Proposed Mechanisms</b>	Pinecrest MHP	75			75
	SOCH Health Village	74	Rental	30	104
	Stafford Business Park	19	Rental	19	38
<b>Subtotal</b>		<b>168</b>		<b>49</b>	<b>217</b>
<b>TOTAL</b>					<b>555</b>
<b>Surplus</b>					<b>0</b>

<sup>11</sup> The number of residential COs (1,009) is initially divided by 5 to yield 202 units and the number of jobs (1,334) is initially divided by 16 to yield 83 units. Stafford's total actual growth share is therefore 285 units (202 + 83). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 519 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Post-1986 Credits</b>	Presbyterian Homes	12		0	12
	Perry's Lake	35			35
	Cedar Run	72			72
	Community Options – Admiral	3		1	4
	Summerville at Strafford	5			5
<b>Subtotal</b>		<b>127</b>		<b>1</b>	<b>128</b>
<b>Proposed Mechanisms</b>	Stafford Business Park	93	Compliance	93	186
	Community Options – Starboard	3	Rental	1	4
	Stafford Mews/ Scarborough	13	Rental	13	26
	Ocean Acres	111			111
	Mixed Use District	64			64
<b>Subtotal</b>		<b>284</b>		<b>107</b>	<b>391</b>
<b>TOTAL</b>					<b>519</b>
<b>Surplus</b>					<b>0</b>

### **III. FAIR SHARE DOCUMENT REVIEW**

#### **A. Development Fee Ordinance**

COAH granted Stafford approval of its development fee ordinance on September 26, 2002, which was adopted by the Township on December 3, 2002. Stafford submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved by COAH on June 18, 2009.

#### **B. Third Round Spending Plan**

A third round spending plan was submitted by Stafford with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

**C. Affordable Housing Ordinance/Affordable Housing Administration**

Stafford has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 *et seq.*, which was amended on December 20, 2004. The draft proposed ordinance must be amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 *et seq.*) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by the Township on March 18, 2008.

Stafford is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Stafford currently utilizes the services of Community Grants, Planning and Housing (CGP&H) as its Administrative Agent for Perry's Lake, Pine Crest Village, Stafford Mews and Stafford Park Apartments. Cedar Run Apartments and Presbyterian Homes are administered by the management company following USDA and HUD guidelines respectively. Stafford expects to contract with CGP&H, or an Administrative Agent selected by the developer, for the Ocean Acres Program. Pursuant to N.J.A.C. 5:80-26.14(b), Stafford has submitted a written operating manual for administering owner-occupied and rental affordable units within Stafford.

**D. Affirmative Marketing Plan**

Stafford will submit an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

#### **IV. MONITORING**

Stafford must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Stafford in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Stafford's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Stafford and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, if Stafford is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

#### **V. SUMMARY OF COMMENTS**

During the 45-day objection period, one comment was received: Adam M. Gordon, Fair Share Housing Center (FSHC).

##### Fair Share Housing Center's Comments

Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated May 11, 2009, commenting on Stafford's Fair Share Plan during the 45-day

objection period. FSHC states that the letter is not intended as an objection to the township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC does have several concerns that they would like addressed.

First, FSHC notes that Presbyterian Homes, an age-restricted rental facility, is not eligible for two units of credit, which equal 12 total bonuses, to address its growth share obligation pursuant to N.J.A.C. 5:97-3.6. FSHC also comments that Stafford should provide information on the length of the affordability controls for Presbyterian Homes, since projects with controls that expire before 2018 do not meet COAH requirements.

Secondly, FSHC points out that the 2008 Fair Share Housing Act amendments require 20 percent of all developments within the Pinelands to be affordable to low-and moderate-income households and suggests Stafford should address this within their Plan.

Finally, Stafford proposes an age-restricted project to address the Township's very-low income obligation. Stafford's very-low income obligation is 51 units, and the Township is proposing to address this obligation with a 72-unit age-restricted development. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

#### COAH's Response

**Presbyterian Homes** – COAH staff and Stafford Township acknowledge that the age-restricted units from Presbyterian Homes are not eligible to receive rental bonuses pursuant to N.J.A.C. 5:97-3.6. Additionally, COAH staff determined that the six supportive and special needs bedrooms associated with the two Community Options projects are eligible for one and one-third (1.33) units of credit per bedroom rather than the two (2) units of credits proposed by the Township (i.e., the two Community options projects are only eligible for a total of two rental bonuses, not six). Stafford has reduced the amount of credit it is seeking for Stafford Mews by eight credits. In total, Stafford has a shortfall of 24 units addressing its growth share obligation. The Township has agreed to accommodate this shortfall of 24 credits by increasing the number of affordable units in the Ocean Acres project from 87 to 111 units.

According to Stafford's Director of Community Development, Presbyterian Homes has 40-year controls per a HUD agreement, which were effective on 12/9/2004.

**Pinelands** – Approximately 40% of Stafford Township (all land west of the Garden State Parkway) is located with the Pinelands Management Area. Of the area within the Pinelands, 75% (70% Forest Area and 5% Preservation Area) is non-sewered land targeted for preservation, whereas the remaining 25% (23% Regional Growth Area and 2% Village) is zoned for residential and non-residential development. The boundary of the Regional Growth Area outlines the areas in Stafford that are already developed, including Ocean Acres, the Southern Ocean County Hospital and the Stafford Business Park. The Township's Fair Share Plan includes 273 affordable housing units to be built on the limited vacant developable lots within these three sections of the Growth Area (111 units in Ocean Acres, 74 units at the Southern Ocean County Hospital and 112 units at the Stafford Business Park).

**Very Low-Income Households** – FSHC misinterprets COAH's October 30, 2008 letter. The letter was not intended to advise municipalities that N.J.A.C. 5:97-3.9 applies to the new statutory requirement that municipalities provide 13% of the fair share obligation to very low-income households. N.J.A.C. 5:97-3.9 provides that at least 50 percent of the units within the municipality addressing the growth share obligation shall be family units. This regulation applies to the growth share obligation as a whole and was adopted before A500 was enacted. Thus, COAH did not contemplate its application to the recently adopted very low-income housing requirement. Likewise, COAH did not intend the letter to act as an interpretation of N.J.A.C. 5:97-3.9.

The purpose of the October 30, 2008 letter was to advise municipalities of the new amendments to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. so that municipalities could include the new requirements in their plans. In this regard, COAH noted that there is an existing regulation that requires half of the growth share obligation to be addressed through family housing. This regulation applies to the entire growth share obligation, not just the very low-income units. It was not intended to require that 50% of the very low-income units be provided through family housing in all cases, although COAH encourages municipalities to do so.

**VI. RECOMMENDATION**

COAH staff recommends that Stafford Township be granted third round substantive certification. COAH also recommends approval of the waiver from N.J.A.C. 5:97-4.5(c) for the affordable units in the rehabilitation program. Stafford must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.

**ADDENDUM TO COAH COMPLIANCE REPORT  
STAFFORD TOWNSHIP / OCEAN COUNTY  
REGION #4  
July 20, 2009**

During the 14-day comment period following the receipt of Stafford Township's Compliance Report, one comment was received: Adam M. Gordon, Fair Share Housing Center (FSHC). The comments do not alter the Compliance Report.

Fair Share Housing Center's Comments

Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated May 11, 2009, commenting on Stafford's Fair Share Plan during the 45-day objection period. FSHC states that the letter is not intended as an objection to the township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC does have several concerns that they would like addressed.

First, FSHC notes that Presbyterian Homes, an age-restricted rental facility, is not eligible for two units of credit, which equal 12 total bonuses, to address its growth share obligation pursuant to N.J.A.C. 5:97-3.6. FSHC also comments that Stafford should provide information on the length of the affordability controls for Presbyterian Homes, since projects with controls that expire before 2018 do not meet COAH requirements.

Secondly, FSHC points out that the 2008 Fair Share Housing Act amendments require 20 percent of all developments within the Pinelands to be affordable to low-and moderate-income households and suggests Stafford should address this within their Plan.

Finally, Stafford proposes an age-restricted project to address the Township's very-low income obligation. Stafford's very-low income obligation is 51 units, and the Township is proposing to address this obligation with a 72-unit age-restricted development. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

### COAH's Response

**Presbyterian Homes** – COAH staff and Stafford Township acknowledge that the age-restricted units from Presbyterian Homes are not eligible to receive rental bonuses pursuant to N.J.A.C. 5:97-3.6. Additionally, COAH staff determined that the six supportive and special needs bedrooms associated with the two Community Options projects are eligible for one and one-third (1.33) units of credit per bedroom rather than the two (2) units of credits proposed by the Township (i.e., the two Community options projects are only eligible for a total of two rental bonuses, not six). In total, Stafford has a shortfall of 16 units addressing its growth share obligation. The Township has agreed to accommodate this shortfall of 16 bonuses by increasing the number of affordable units in the Ocean Acres project from 87 to 103 units.

According to Stafford's Director of Community Development, Presbyterian Homes has 40 year controls per a HUD agreement, which were effective on 12/9/2004.

**Pinelands** – Approximately 40% of Stafford Township (all land west of the Garden State Parkway) is located with the Pinelands Management Area. Of the area within the Pinelands, 75% (70% Forest Area and 5% Preservation Area) is non-sewered land targeted for preservation, whereas the remaining 25% (23% Regional Growth Area and 2% Village) is zoned for residential and non-residential development. The boundary of the Regional Growth Area outlines the areas in Stafford that are already developed, including Ocean Acres, the Southern Ocean County Hospital and the Stafford Business Park. The Township's Fair Share Plan includes 273 affordable housing units to be built on the limited vacant developable lots within three sections of the Growth Area (87 units in Ocean Acres, 74 units at the Southern Ocean County Hospital and 112 units at the Stafford Business Park). The 16-unit shortfall, discussed above, will also be within the Regional Growth Area.

**Very Low-Income Households** – FSHC misinterprets COAH's October 30, 2008 letter. The letter was not intended to advise municipalities that N.J.A.C. 5:97-3.9 applies to the new statutory requirement that municipalities provide 13% of the fair share obligation to very low-income households. N.J.A.C. 5:97-3.9 provides that at least 50

percent of the units within the municipality addressing the growth share obligation shall be family units. This regulation applies to the growth share obligation as a whole and was adopted before A500 was enacted. Thus, COAH did not contemplate its application to the recently adopted very low-income housing requirement. Likewise, COAH did not intend the letter to act as an interpretation of N.J.A.C. 5:97-3.9.

The purpose of the October 30, 2008 letter was to advise municipalities of the new amendments to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. so that municipalities could include the new requirements in their plans. In this regard, COAH noted that there is an existing regulation that requires half of the growth share obligation to be addressed through family housing. This regulation applies to the entire growth share obligation, not just the very low-income units. It was not intended to require that 50% of the very low-income units be provided through family housing in all cases, although COAH encourages municipalities to do so.